



Linda S. Adams  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board**  
**North Coast Region**  
**William R. Massey, Chairman**

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Arnold  
Schwarzenegger  
Governor

August 25, 2006

Mr. Bill Taggart  
Trinity County Dept. of Transportation  
P.O. Box 2490  
Weaverville, CA 96093

Dear Mr. Taggart:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification)  
for the Trinity County DOT Bank Protection, Unnamed Tributary to Weaver Creek

File: Trinity County DOT – Bank Protection, Unnamed Tributary to Weaver Creek  
WDID No. 1A06066WNTR

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request for Water Quality Certification for the Department of Transportation (DOT), Bank Protection for the Unnamed Tributary to Weaver Creek located in Weaverville, Post Mile 0.1 of Davis Drive on County Road 240 off of Highway 299, Trinity County. The Regional Water Board received your application and \$500 processing fee on May 15, 2006. Regional Water Board staff deemed your application complete on July 14, 2006. On July 20, 2006, we posted a notice and information describing your project on our website for a 21-day public comment period. We did not receive any public comments regarding your project.

**Project Description:** The purpose of the project is to control erosion along 150 linear feet of an unnamed tributary to Weaver Creek, which discharges to a Natural Resource Conservation District created wetland area before flowing into Weaver Creek. The uplands area in the vicinity of the project is an urbanized area with both residential and light industrial development. The Trinity County Department of Transportation (applicant) will place ¼ ton rock slope protection (RSP) along the base of the bank. Presently, the unnamed tributary and the approximately 24 feet of bank are devoid of vegetation. No vegetation will be removed to access the site; the applicant will use an existing road to access the site. RSP will be placed by an excavator staged in upland areas. The project involves placement of approximately 133 cubic yards of ¼ ton RSP along a section of the base of the stream bank, 150 feet x 4 feet x 8 feet, in the unnamed creek. A layer of cobbles, gravel and cleaned cement pieces will underlie the RSP. Cement pieces are clean, devoid of cement dust, and measure approximately 6 inches thick and 2 to 3 feet wide. The area of permanent impact is approximately 0.014 acres of streambed. Southern Oregon/Northern California Coho Salmon are not expected to be present in the unnamed channel,

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because the wetlands downstream prevent migration from Weaver Creek into the drainage. The timing of the work during the low flow season will also avoid impacts to aquatic species. Activities are scheduled to occur between June 15 and October 31, 2006. Project activities will be conducted over the course of one week during low flow.

- Receiving Water: Unnamed tributary in the Weaver Creek Hydrologic Subarea No. 106.32
- Filled or Excavated Area: Total area impacted: 0.014 acres of streambed  
Temporarily Impacted: None  
Permanently Impacted: 0.014 acres of streambed
- Linear Impacts: Length Temporarily Impacted: None  
Length Permanently Impacted: 150 feet of Unnamed tributary
- Federal Permit: U.S. Army Corps of Engineers Nationwide Permits No. 13 for *Bank Stabilization*
- Compensatory Mitigation: None
- Non-compensatory Mitigation: Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) for heavy equipment use and sediment and turbidity control. Equipment will not be operated in the stream. The applicant will stage equipment on the adjacent county road. The Department of Fish and Game does not expect the presence of any known sensitive or listed species in the project area during construction activities. No grading, disturbance to the bank or vegetation removal will be necessary. There will be no excavation within the channel and no spoils will be removed from the site. Rock will be placed using an excavator. A floating oil absorbent boom will be placed in the stream immediately downstream of the work area. Equipment will not enter the channel. The applicant has applied for a Lake and Streambed Alteration Agreement (1602) with the California Department of Fish and Game.
- CEQA Compliance: The Trinity County DOT, as lead agency, determined that the project was categorically exempt, in accordance with Article 19, Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.
- Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:
- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.

- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

**Additional Conditions:**

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The applicant shall notify Regional Water Board staff prior to the commencement of the project, with details regarding the project schedule, in order to allow staff to be present onsite during implementation, and to answer any public inquiries that may arise regarding the project.
- 2) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any surface water.
- 3) Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the United States.
- 4) BMPs for heavy equipment use and sediment and turbidity control shall be implemented and in place prior to and during construction.
- 5) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.
- 6) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall

cease immediately and the Regional Water Board shall be notified promptly.

- 7) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Trinity County DOT, Bank Protection, Unnamed Tributary to Weaver Creek Project (Facility No. 1A06066WNTR) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on August 25, 2011 or upon completion of the project, whichever occurs first. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Diana Henrioulle of our staff at (707) 576-2350 prior to commencement of the portion of the project that is subject to this Water Quality Certification (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman  
Executive Officer

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Enclosure:

State Water Resources Control Board Order No. 2003-0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification"

cc: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502  
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,  
333 Market Street, San Francisco, CA 94599  
Mr. Oscar Balaguer, 401 Program Manager, Water Quality Certification Unit, SWRCB,  
1001 I Street, 15<sup>th</sup> Floor, Sacramento, CA 95814